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HOUSE BILL 805

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

George D. Buffet

AN ACT

RELATING TO REAPPORTIONMENT; ESTABLISHING THE LEGISLATIVE
REAPPORTIONMENT COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Legislative Reapportionment Act".

Section 2. COMMISSION CREATION-- MEMBERSHIP--
QUALIFICATIONS-- VACANCIES. --

A. Whenever there is reason to reapportion the
legislature or to provide for new congressional district
boundaries in the state because of a new federal decennial
census or because of court order, the secretary of state shall
order the formation of a legislative reapportionment
commi ssi on.

B. The legislative reapportionment commi ssi on

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1 shall consist of six members. The majority and minority
2 leaders in each house of the legislature shall serve on the
3 commission or may designate another member of their party to
4 serve for them, and the state chairmen of the two largest
5 political parties, as determined by the vote cast for governor
6 in the last gubernatorial election, shall serve as members of
7 the commission or may designate one member of their party to
8 serve for them. Members of the commission shall hold their
9 office until the reapportionment and redistricting plan is
10 implemented.

11 C. If a vacancy occurs on the commission, the
12 secretary of state shall order that the vacancy be filled by
13 the original appointing authority within fifteen days of that
14 order. If an appointment is not made within the fifteen days,
15 the supreme court shall make the appointment.

16 Section 3. ORGANIZATION--PROCEDURE--COMPENSATION.--

17 A. The legislative reapportionment commission
18 members shall elect by majority vote a chairman and other
19 officers as they may determine.

20 B. Meetings of the legislative reapportionment
21 commission are subject to the provisions of the Open Meetings
22 Act, and the commission shall provide notice of meetings to
23 citizens or organizations that request notice. Meetings shall
24 be held in different locations in the state in order to
25 maximize the opportunity for public participation.

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1 C. A quorum shall consist of four members. If
2 there is less than a quorum present at a scheduled meeting,
3 the members may take testimony and receive information, but
4 may only vote on setting a future agenda, preparing for future
5 meetings, recess or adjournment. Final action of the
6 legislative reapportionment commission requires a two-thirds'
7 vote of all members.

8 D. The legislative reapportionment commission
9 shall make available to the public at cost copies of the
10 validated census database in a form to be determined by the
11 commission.

12 E. Legislative reapportionment commission members
13 other than the legislators shall be paid per diem and mileage
14 as provided in the Per Diem and Mileage Act for nonsalaried
15 state officers.

16 Section 4. DUTIES--FINAL REPORT.--Within ninety days
17 after the legislative reapportionment commission has been
18 formed or the necessary census data are available, whichever
19 is later, the commission shall file a proposed plan for
20 apportioning the senate and house of representatives of the
21 legislature with the secretary of state. At the same time,
22 the commission shall prepare and file a plan for congressional
23 districts. At the next regular or special session of the
24 legislature, the secretary of state shall transmit a copy of
25 the report to the president pro tempore of the senate and the

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1 speaker of the house of representatives.

2 Section 5. CRITERIA GOVERNING PLANS. -- Congressional and
3 legislative redistricting plans considered by the legislative
4 reapportionment commission shall be governed by the following
5 criteria:

6 A. the census information reported by the United
7 States census bureau and statistical information compiled by
8 the state shall be the exclusive permissible statistical data
9 used by the commission;

10 B. districts shall preserve traditional
11 neighborhoods and local communities of interest to the maximum
12 extent possible;

13 C. districts shall be substantially equal in
14 population and shall comply with applicable federal standards
15 and statutes;

16 D. districts shall be as compact in area as
17 possible and the aggregate linear distance of all district
18 boundaries shall be as short as possible. Each district shall
19 consist of contiguous whole general election precincts;

20 E. division of counties shall be avoided whenever
21 possible and the number of divisions per county shall be kept
22 to a minimum; and

23 F. counties shall not be divided to protect a
24 particular political party or a particular incumbent.

25 Section 6. STAFF--BUDGET. --The New Mexico legislative

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1 council service shall furnish necessary staff assistance as
2 the legislative reapportionment commission may require. The
3 council shall prepare and submit a budget for the expenses of
4 the commission for consideration of the legislature not later
5 than the session held in a year ending in a nine preceding the
6 convening of a commission.

7 Section 7. APPEALS. --The supreme court shall have
8 original jurisdiction over actions involving challenges to
9 legislative apportionment.